
UNITED STATES OF AMERICA

v.

IBRAHIM AHMED MAHMOUD AL QOSI

)
)
) **GOVERNMENT NOTICE**
) **OF MOTION**
) **(Request for Protective**
) **Orders)**
)
)

23 July 2004

The Prosecution in the case of the *United States v Ibrahim Ahmed Mahmoud al Qosi* provides the following notice of motion:

1. This Notice is filed in accordance with the Presiding Officer's Order of 19 July 2004.

2. Relief Requested: Throughout the pre-trial and trial process, the Prosecution will seek protective orders pertaining to information covered by Military Commission Order No.1 (MCO No. 1) § 6 (D)(5)(a), and to witnesses covered by § (6)(2)(d). In the motions, the Prosecution will request the following relief:

a. The grant of protective orders prohibiting disclosure of information or materials turned over to the Defense to the public, press, media, or any other person except as necessary to prepare a Defense;

b. That certain witnesses be accorded measures to protect their identities; and

c. Certain of these motions may contain classified information. Accordingly, the Prosecution requests that the Presiding Officer notify the parties when his security clearances have been granted and a court security officer has been appointed to ensure the appropriate protection of classified materials provided to the Presiding Officer.

3. Synopsis of Legal Theory: MCO No. 1 § (6)(5)(a) allows the Presiding Officer to issue protective orders when necessary to safeguard "protected information." Protected information is subsequently defined in the instruction as "information classified or classifiable . . . information concerning intelligence and law enforcement sources, methods, or activities; or . . . information concerning other national security interests." MCO No.1 §6 (D)(2)(d) allows the Presiding Officer to use "appropriate" methods to protect witnesses and evidence. The same section specifically authorizes the use of pseudonyms and other protective measures. A Protective Order is requested to protect classified and classifiable information pursuant to §6(D)(5)(a) as previously discovered and provided to the defense contained such material. Further, pursuant to §6(D)(2)(d), the prosecution will move to protect the identities of certain witnesses.

4. Witnesses and Evidence: The Prosecution does not intend to call witnesses in support of this motion. Proper documentation in support of this motion will be provided.

Revised: The names of prosecutors were redacted at the request of the Office of Military Commissions.

5. Oral Argument: The Prosecution does not request oral argument on this motion.
6. With the exception of the portion of this motion delineated in paragraph 2(c), above, the Prosecution intends on submitting this motion by 30 July 2004.

NAME REDACTED

Lieutenant Colonel, U.S. Marine Corps
Prosecutor